

O'TOOLE SCRIVO
A LIMITED LIABILITY COMPANY

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Via CM/ECF

Hon. Andre M. Espinosa, U.S.M.J.
United States District Court, District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street, Courtroom MLK 2D
Newark, New Jersey 07101

Re: *New Wallington Home, LLC, et al. v. Borough of Wallington, et al.*
Civil Case No.: 20-08178 (CCC) (AME)

Dear Judge Espinosa:

This firm represents plaintiffs in this matter. This letter is sent jointly with counsel for defendants pursuant to the Court's direction.

By way of background, for almost a year the parties have been negotiating a comprehensive settlement agreement, which included a payment in lieu of taxes for plaintiffs and additional terms to resolve all claims. Because the primary defendant is a municipality, the settlement needed final approval from the Borough Council.

Ultimately, a global settlement could not be accomplished, and on February 2, 2024, the undersigned wrote to inform the Court of a likely partial settlement of the Tax Issues in the Complaint, pending final approval from the Borough Council at a February 22, 2024 public meeting. We were informed that the vote to approve never occurred and was re-scheduled for April 11, 2024. Since that time, there has not been a vote of the Borough Council to approve any settlement in this matter.

Accordingly, plaintiffs request that this matter be reinstated from administrative dismissal and discovery commence immediately. Plaintiffs are prepared to complete discovery in a timely manner to avoid further delay. Defendants remain interested in resolving the matter globally. Defense counsel has been in communication with the Borough Attorney and Tax Attorney, who continue to seek the necessary approvals from the Mayor and Council for the settlement. Accordingly, Defendants request that this matter be re-scheduled for a status conference thirty (30) days from today. Alternatively, if the Court is inclined to reactivate this matter, Defendants request that their previously filed motion to dismiss be heard.

Respectfully submitted,

/s/ James DiGiulio
James DiGiulio

cc: All Counsel of Record (via ECF)